

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN  
37<sup>th</sup> SESSION (NEW YORK, 15 JANUARY – 2 FEBRUARY 2007)**

**POLAND (COMBINED 4<sup>th</sup>, 5<sup>th</sup> AND 6<sup>th</sup> PERIODIC REPORTS)**

Information Submitted to the Committee

On 16 January 2007, the Republic of Poland submitted its combined 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> periodic reports<sup>1</sup> under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as responses<sup>2</sup> to the list of issues and questions<sup>3</sup> raised by the Committee on the Elimination of Discrimination against Women (the Committee). The sizeable Polish delegation was led by Mrs. Joanna Kluzik-Rostowska, Under-Secretary of State in the Ministry of Labour and Social Policy.<sup>4</sup>

The periodic reports were presented in two documents, one containing the 4<sup>th</sup> and 5<sup>th</sup> periodic reports and another containing the 6<sup>th</sup> periodic report. Both reports include an introduction with information on the general economic, social and political situation and structure of Poland before considering the status of the Convention in the country. While the 4<sup>th</sup> and 5<sup>th</sup> periodic reports contain information on the status of all articles of the Convention in Polish legislation, the 6<sup>th</sup> periodic report does not consider Articles 1, 4 and 15. The impact of Poland's transition to a market economy and towards European integration, frequent governmental changes and the influence of the Catholic Church in Polish society are often cited as important factors in the situation of women's rights. Generally, the reports provide a substantial amount of data, often disaggregated by gender. The reports also point out instances when non-governmental organisations (NGOs) played a key role in moving projects forward such as with the 'Blue Cards', a project to standardise investigations into domestic violence throughout Poland. The reports' major failure is the lack of recent data and information, especially for the period after 2005.

The Federation for Women and Family Planning submitted a shadow report to the Committee, as well as a written statement on behalf of a number of NGOs.<sup>5</sup> The NGOs expressed concern about the current Government's ultra-right wing and conservative orientation and its focus on pro-family policies. According to the report, this focus reinforces patriarchal ideas and contributes, along with efforts to comply with European Union (EU) standards, to lowering the priority attached to women's issues. The NGOs contend that efforts to tighten immigration to comply with EU standards have caused additional problems for migrants, notably making migrant women more reluctant to report domestic abuse for fear of affecting their residency status. The report also pointed out that a conscience clause allowing physicians to opt out of performing abortions, and the lack of subsidised modern contraceptive options, increases the number of underground and unsafe abortions. In sum, NGOs were concerned that Government priorities have shifted away from women's rights in Poland.

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<sup>1</sup> For the combined 4<sup>th</sup> and 5<sup>th</sup> periodic reports see: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/POL/4-5&Lang=E> and for the 6<sup>th</sup> periodic report see: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/POL/6&Lang=E>.

<sup>2</sup> <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/POL/Q/6/Add.1&Lang=E>.

<sup>3</sup> [http://www.un.org/womenwatch/daw/cedaw/cedaw37/cedaw37\\_IandQ/Poland/0646809E.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw37/cedaw37_IandQ/Poland/0646809E.pdf).

<sup>4</sup> For the full delegation see: [http://www.un.org/womenwatch/daw/cedaw/cedaw37/delegations/poland\\_e.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw37/delegations/poland_e.pdf).

<sup>5</sup> For report see: <http://www.iwraw-ap.org/resources/pdf/Poland%20final%20SR.pdf>. The report was endorsed by Pro Femina Association, the PSF Women's Centre Foundation, Women's Rights Centre and La Strada Association.

## Themes and Issues

### **Labour**

The Committee appeared displeased with Poland's over-emphasis on labour issues, illustrated by the inclusion of the Department of Women, Family and Discrimination within the Labour Ministry, and stressed that women's rights and gender mainstreaming are not always related to labour issues. The delegation however argued that limited access to the job market was one of the most serious obstacles faced by Polish women. It noted that Polish women typically earn 20 per cent less than their male counterparts and that sexual harassment is criminalised, and pointed out that incidents are rarely reported or prosecuted. Despite not being in favour of quotas for women in employment, the delegation recognised that employers might need to be persuaded to employ women through incentives, since there are typically plenty of qualified applicants for most jobs.

The delegation stated that burden of proof lies on the employer in case of complaints of discrimination at work and added that most cases are typically decided in favour of the employee. However, in practice, many employees do not know how to file a complaint or use relevant legislation. The problem was only exacerbated by the slow resolution of cases in the court system and the lack of attorneys willing or trained to handle such cases. The delegation acknowledged that the Government should focus on educating employees and changing people's mindset, rather than on undertaking further legislative changes.

### **Abortion and Family Planning**

As mentioned previously, concerns abound about the influence of the Polish Catholic Church and the Government's focus on the family and reducing the number of abortions. The Committee was worried about the influence of the League of Polish Families political party in this regard. The delegation tried to reassure the Committee that the League for Polish Families is a very small political party, explaining that while the Ministry of Health worked with this party, it no longer supports their ultra-conservative views or legislation put forward by them. The Committee also expressed concern that reproductive health services are not adequately available to all Polish women. The delegation refuted this claim, stressing that gynaecological health services and family planning services are separate issues for many Poles. Due to religious reasons, women may use gynaecological services without seeking information on or access to contraceptives and these choices should be respected. The delegation added that the unique cultural choices faced by the Roma population with regard to seeking medical attention and family planning should also be taken into account. The delegation insisted that despite these considerations the Government wants to improve access to gynaecological care, notably in rural areas. This reassurance was not enough for Committee members who posed repeated questions about the availability of contraceptives, especially in rural areas.

The Committee asked about the 'conscience clause', which allows doctors to opt not to perform abortions. They expressed concern that this clause is overused and inquired about penalties for such abuse. The delegation explained that a doctor's decision not to perform an abortion should not lead to a patient's deprivation. If an entire hospital of doctors refused to perform an abortion for example, the hospital must have a contract with another hospital where the procedure could be undertaken. In practice however, particularly in rural areas, it recognised that this extra step can act as a deterrent for women. Focusing on illegal abortions, the delegation indicated that NGOs report approximately 80 000 to 200 000 such procedures per year, whereas other sources put the number between 30 000 to 40 000 per year. The delegation did not attach much importance to these

numbers, emphasising that 'every abortion is a tragedy', whether legally performed or not. Instead, it argued that the problem is the State's inability to provide care 'to those pregnant, alone and afraid'.

## **Trafficking**

Although the periodic report references bilateral and tripartite cooperation agreements on transnational crimes like trafficking, the Committee asked for more information on this issue. The delegation recognised that the lack of a precise definition of trafficking in domestic legislation was problematic, but argued that this was compensated by Poland's ratification of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which provides a number of clear definitions. The delegation indicated that the Government is considering incorporating these definitions in the Polish Penal Code and aims to provide judges with a manual on trafficking.

## **Domestic Violence**

The Committee was concerned about the lack of procedures to remove alleged perpetrators of domestic violence from their home. The delegation pointed out that regulations on domestic violence could be found in the 2005 *Law on Counteracting Violence in the Family* and that a 2005 national compensation law that allows victims to seek remuneration. Specifically addressing the Committee's concerns, the delegation indicated that perpetrators of domestic violence can be incarcerated for up to 48 hours as a preventive measure and inebriated people detained in a sobering chamber for up to 24 hours. The 'Blue Card' procedure for law enforcement to follow up in such a situation was improved upon in 2002. In addition, the 'Blue Card' also helped improve data collection on domestic violence. Efforts are in place to raise awareness of domestic violence with law enforcement officials and court personnel and teach them how to better interact with victims of domestic violence.

## **Stereotyping**

The delegation explained that Poland sees the equalisation of men and women in the labour market as key to changing societal stereotypes and perceptions that women are responsible for the home. It explained that this would be a long process, cryptically adding that women need to take the first step and realise that they are 'not to blame'. The delegation pointed out that rural women in particular can benefit from positive changes in commercials and television shows that feature women in more diverse jobs. The media is therefore a major component of disseminating information to women regarding their rights and support structures.

## **CONCLUSIONS AND NEXT STEPS**

Throughout the session and in its reports, the delegation described Poland as gender blind with regard to social and economic benefits, stressing that Polish law prohibits discrimination based on a number of factors and does not exclusively focus on gender. Similarly, efforts to combat domestic violence are not directed at women only, but concentrate on the whole family.

Despite these explanations, the Committee's Concluding Comments<sup>6</sup> urge Poland to include the definition of discrimination against women in its domestic laws and to adopt a national action plan

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[http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Poland\\_Advanced%20Unedited%20Version.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Poland_Advanced%20Unedited%20Version.pdf).

focusing specifically on achieving gender equality. The Committee also called on Poland to use special temporary measures to increase the participation of women in government and politics. The Committee continued that further efforts were needed to fight negative stereotypes of women and actively disseminate information about women's rights through the media and education, particularly to vulnerable groups. The Human Rights Committee (HRC) expressed similar concerns to this Committee when it examined Poland in 2004. It worried about restrictive abortion laws and the limited availability of abortions, contraceptives and free family planning services. Regarding domestic violence, the HRC urged Poland to make sure that law enforcement officers and the prosecutors are adequately trained to help victims.